

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**LINDA ROSENBLoom and
EDWARD LINDERMAN,**

Plaintiffs,

v.

No. _____

COLORADO CASUALTY INSURANCE CO.,

Defendant.

COLORADO CASUALTY INSURANCE COMPANY'S NOTICE OF REMOVAL

Defendant Colorado Casualty Insurance Company (“CCIC”), by and through its attorneys of record, Ray, McChristian & Jeans, P.C. (Shannon A. Parden), hereby files this Notice of Removal of the above-captioned matter to the United States District Court from the Third Judicial District Court, County of Dona Ana, State of New Mexico as provided by 28 U.S.C. §§ 1441, 1446. CCIC states as follows:

1. Plaintiffs Linda K. Rosenbloom and Edward Linderman (“Plaintiffs”) commenced this action in the Third Judicial District Court of the State of New Mexico on July 21, 2014. CCIC was served with the Summons and Complaint on September 22, 2014. This Notice of Removal is timely.

2. This is a civil action, of which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. This cause of action may be removed to this Court pursuant to 28 U.S.C. § 1441, in that it is a civil action wherein the matter in controversy exceeds the sum or value of seventy five thousand dollars (\$75,000.00), exclusive of interest or costs, and the Plaintiffs and Defendant are citizens of different states.

3. Plaintiffs are residents of Dona Ana County, State of New Mexico. CCIC is a foreign corporation incorporated under the laws of the State of New Hampshire, with its principle place of business located in Boston, Massachusetts. CCIC is authorized to do business in the State of New Mexico. West American Insurance Company, which underwrote the applicable insurance policy and is not a party to this action, is a foreign corporation incorporated under the laws of the State of Indiana with its principal place of business in Boston, Massachusetts.

4. In their Complaint, Plaintiffs allege that on August 30, 2009, Linda Rosenbloom was injured in a motor vehicle accident.

5. Plaintiffs settled with the tortfeasor and her insurer for the tortfeasor's policy limits of \$50,000.

6. Plaintiffs allege that at the time of the accident, there was in effect a policy of insurance that CCIC had issued to Plaintiffs Linda Rosenbloom and Edward Linderman, Policy Number ZAW 09189080 ("Policy"). The Policy has stacked underinsured motorist ("UIM") bodily injury limits of \$300,000.00 per person. There is a \$50,000.00 offset due to Plaintiff's recovery of \$50,000.00 from the at-fault driver, leaving approximately \$250,000 in potentially available UIM coverage subject to any other applicable offsets.

7. Plaintiffs seek UIM benefits under the Policy. Plaintiff Linda Rosenbloom claims she incurred \$57,531.67 in medical bills. Plaintiffs' last demand was nearly \$196,000 (for a total recovery of bodily injury benefits of \$246,000). **Exhibit A** hereto, April 16, 2014 letter from Plaintiffs' counsel. CCIC disputes the amount of Plaintiff's alleged damages.

8. In their Complaint, Plaintiffs allege claims for breach of contract, insurance bad faith, and statutory violations. They also seek attorney fees and punitive damages. Based upon

the facts alleged in the Complaint and Plaintiffs' demand, Plaintiffs seek damages in excess of the jurisdictional requirement contained in 28 U.S.C. § 1332.

9. CCIC attaches to this Notice, as **Exhibit B**, a copy of all pleadings served upon them in this cause of action and all other documents filed in New Mexico State Court.

10. The Civil Cover Sheet is attached hereto as **Exhibit C**.

11. CCIC will give written notice of the filing of this Notice to adverse parties and the State Court as required by 28 U.S.C. § 1446(d).

WHEREFORE, for the foregoing reasons, CCIC respectfully requests that this action proceed in this Court as an action properly removed to it.

DATED: October 21, 2014.

Respectfully submitted,

RAY, McCHRISTIAN & JEANS, P.C.

By: /s/ Shannon A. Parden
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served through email or CM/ECF this 21st day of October, 2014 to counsel of record:

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/s/ Shannon A. Parden
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